

21 December, 2010

Aubrey Carter Design  
1401 East Seventh Street  
Austin, TX 78702

City of Austin Board of Adjustment  
C / O: Susan Walker, Planner & Diana Ramirez, Adm. Specialist and Board Secretary  
Watershed Protection and Development Review Department  
505 Barton Springs Rd.  
Austin, TX 78704

Re: 1408 Hartford Road Carport Resubmittal

Dear Ms. Walker:

We are requesting that the Board of Adjustments re-hear our variance request for construction of a carport in the front setback at 1408 Hartford Road because of new information.

At the meeting on December 13<sup>th</sup>, members of the Board questioned why the carport is not able to be constructed as one long, double carport with the cars parked one in back of the other, all behind the front and side setbacks.

We have studied that option and discussed it with the City Arborist, Michael Embesi, and as the attached site plan shows, that is not feasible on this site for several reasons. One, the length of the carport with its structure, roofing and associated impervious coverage, and the parked car itself would cause serious damage to the existing 20' diameter red oak tree whose roots stretch across the existing driveway, as well as the neighbor's 29" sycamore that is on the property line and whose critical root zone also stretches across the driveway. Please see attached Tree Permit written by Michael Embesi in which he states that "Option 1 (single carport) is designed to eliminate impacts to the protected root zones (20" red oak and 29" sycamore at neighbors)".

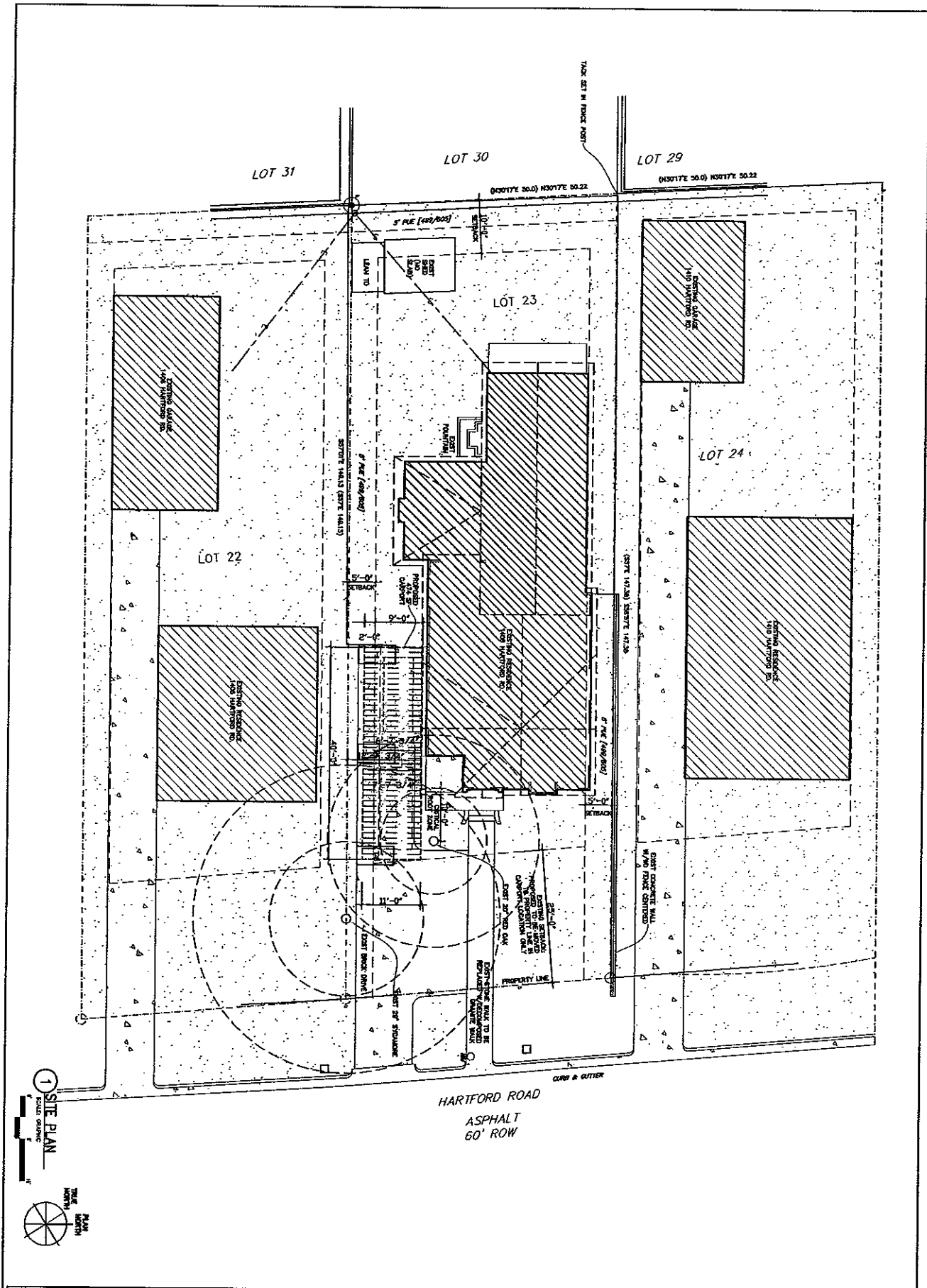
Secondly, the main obstacle or hardship on the site is that the existing 1930s house is built with less than 8'-0" between it and the 5'-0" side setback and PUE. Once the carport structure is added as far away from the trunk as possible, that would leave less than 7'-0" to drive through and park a car, which is not feasible.

The original option presented at the meeting breaks up the carport into two distinct, smaller structures (one for each car) with one placed well behind the critical root zone of the red oak and one with its structure placed well in front of the critical root zone. A single cantilevered structural support is made possible by the smaller size and helps minimize the impact to the root zone of the trees.

We would appreciate another hearing on this issue at the Jan. 10<sup>th</sup> meeting of the Board.

Thank you,

Aubrey Carter for Lambeth and Nancy Townsend



**1 SITE PLAN**

SCALE: 1" = 10'

DATE: 12/06/00

DRAWN BY: [Signature]

CHECKED BY: [Signature]

COMMENTS:

**A-0.1**

**TOWNSEND RESIDENCE**

1408 Hartford Road  
Austin, TX 78703

AUBREY CARTER DESIGN  
1401 EAST SEVENTH  
AUSTIN, TX 78702  
512-472-3393  
512-472-3394 FAX  
aubreycarterdesign.com



# Tree Permit

## Planning and Development Review Department

One Texas Center, 505 Barton Springs Road, 4<sup>th</sup> floor

Phone: (512) 974-1876

Fax: (512) 974-3010

Email: Michael.Embese@ci.austin.tx.us

Website: [www.ci.austin.tx.us/trees](http://www.ci.austin.tx.us/trees)

ROW I.D. 16528007  
5846

Application request\* (specify all that apply):

☐ Single Family Home / Duplex or ☐ Other

☐ Removal of a protected-size tree;

☒ Development exceeding allowable standards for encroachment in the tree's critical root zone;

☐ Removal of more than 30% of a tree's crown.

\* Refer to Land Development Code 25-8 (B)(1) and Environmental Criteria Manual (Section 3, App. F). Applicant understands that all impacts may threaten the health of the tree and that approval of this application does not guarantee favorable tree results.

Address of Property (including zip code): 1408 HARTFORD RD. 78703

Name of Owner or Authorized Agent: NANCY TOWNSEND

Building Permit Number (if applicable): \_\_\_\_\_ ☐ Apply application fee to this permit (escrow)

Telephone #: 423-3366 Fax #: \_\_\_\_\_ E-mail: syd1@swbell.net

Type of Tree: RED OAK / SYCAMORE Location on Lot: FRONT YARD BY FRONT PORCH

Trunk size at 4 1/2 feet above ground: circumference (inches around) \_\_\_\_\_ or diameter 20" / 29"

General Tree Condition: GOOD

Reason for Request: CONSTRUCTION PROPOSED NEAR CRZ OF RED OAK.

Nancy Townsend 12.16.10  
Owner/ Authorized Agent Signature Date

- Attach an aerial drawing that includes the location of the tree and the proposed development, including driveways, utility lines, irrigation systems, etc. This application is reviewed for tree impact only; not for zoning or other applicable regulations.
- The application may be emailed, faxed, or delivered to the above address. Payment (\$25 check to the City of Austin) must be made prior to City personnel completing this application. No fee is required for dead or diseased trees.

### PERMIT DETERMINATION – To be completed by City Arborist Personnel

☐ Approved ☒ Approved With Conditions ☐ Denied ☐ Statutory Denial (more information required)

Comments: OPTION 1 (SINGLE CARPORT) IS DESIGNED TO ELIMINATE IMPACTS TO THE PROTECTED ROOT ZONES (20" RED OAK & 29" SYCAMORE AT NEIGHBORS)

\*Conditions of Approval: ☐ None;

☒ As described within Arborist Comments (see above); and

☐ Applicant agrees to plant \_\_\_\_\_ caliper inches, container grown, City of Austin Class 1 trees\* (i.e. Live Oak, Cedar Elm, Mountain Laurel) on the lot prior to obtaining a Certificate of Occupancy (minimum 2-inch trunk diameter).

☒ Prior to development, applicant agrees to supply an 8-inch root zone mulch layer and maintain tree protection fencing (chain-link, five-foot in height) throughout the project duration.

☒ Provide a receipt for remedial tree care and / or any required pruning as performed by a certified arborist.

☒ No impacts are permitted within the tree 1/2 critical root zone (\* ECM 3.5.2), including trenching for utilities.

Owner/ Authorized Agent Signature \_\_\_\_\_ Date \_\_\_\_\_

Michael Embese 21 DEC 10  
City Arborist Signature Date

Post this permit on site while any proposed work is in progress.  
Conditions for approval of this application must be met within 1 year of the effective date.

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

CASE #

ROW #

C15-2010-D144

10513121

TP-0111041012

CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE

**WARNING: Filing of this appeal stops all affected construction activity.**

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.**

STREET ADDRESS: 1408 Hartford Road

LEGAL DESCRIPTION: Subdivision – Enfield

Lot(s) 23 Block \_\_\_\_\_ Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We Aubrey Carter on behalf of myself/ourselves as authorized agent for

Lambeth and Nancy Townsend

11-8-10  
affirm that on October 21, 2010,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

X ERECT \_\_\_ ATTACH \_\_\_ COMPLETE \_\_\_ REMODEL \_\_\_ MAINTAIN

A detached carport within the front yard setback.

Old West Austin N.P.

in a SF3-NP district.  
(zoning district)

**NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.**

**VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):**

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

the zoning regulations do not allow for a carport in the setback area and it is the only possible location for the carport for a second car for this particular house and lot. Off street parking is required because of the location of the lot near a dangerous intersection and covered parking is required because of the location of a heritage oak tree. The narrowness of the lot and existing house layout allows room for only a one car carport on the side of the house next within the setback.

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:

The house is located near the corner of Enfield and Hartford Roads, with an extremely high level of traffic moving at a high rate of speed coming off Mopac. Cars often turn the corner onto Hartford at nearly highway speeds. It is too dangerous and also illegal to park on their side of the street (btw 7 AM-6 PM); therefore, the owners need to park both their cars off street for safety reasons. The house, built in 1937, with a subsequent addition, are configured such that the main outdoor space is around the back of the house. That leaves the front and side yards for parking for the Owners' two cars. However, there also exists an approximately 20" diameter, heritage, red oak tree, whose canopy extends over a majority of the front yard. The bird droppings and leaves coming from the tree are damaging the cars parked underneath the tree and have led to the need for covered parking for both cars. Due to the location of the existing house, the side of the house allows room for only a one car carport within the setback. The Owners do not want to add a curb cut to the narrow lot so this limits the location of the parking for the two cars to a location off the one existing curb cut.

- (b) The hardship is not general to the area in which the property is located because:

The lot is located near a dangerous intersection, and it is illegal to park on their side of the street during certain hours, requiring the need for off street parking. Since the house was originally built in 1937, the lot configuration cannot be changed and the location of the heritage oak tree cannot be changed, limiting the location options for the covered, off street parking.

**AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The Owners are interested in meeting their functional parking needs, while causing the least impact to the neighborhood and to the view of their heritage tree and classic home. The new carports have only one support structure (as opposed to the usual four posts), with translucent roofing, a minimal presence facing the street and a minimal footprint. The new structures will not impair the character of the area adjacent to the property because they will barely be visible to the adjacent properties due to mature vegetative screening, will not affect or impair the use of the adjacent conforming property in any way and will not impair the purpose of the zoning district because the vegetation, curb cuts, house and heritage tree will all remain the same.

**PARKING:** (Additional criteria for parking variances only.) NA

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

- 
- 
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

- 
- 
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

- 
- 
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed [Signature] Mail Address 1401 East Seventh Street

City, State & Zip Austin, TX 78702

Printed Aubrey Carter Phone 512-656-3145 Date 10/19/10

**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed [Signature] Mail Address 1408 Hartford Road

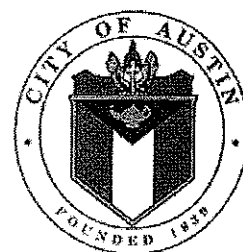
City, State & Zip AUSTIN, TX 78703

Printed Lambeth Townsend Phone 512-476-2318 Date 10/19/10

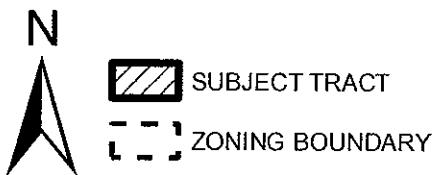


# **BOARD OF ADJUSTMENTS**

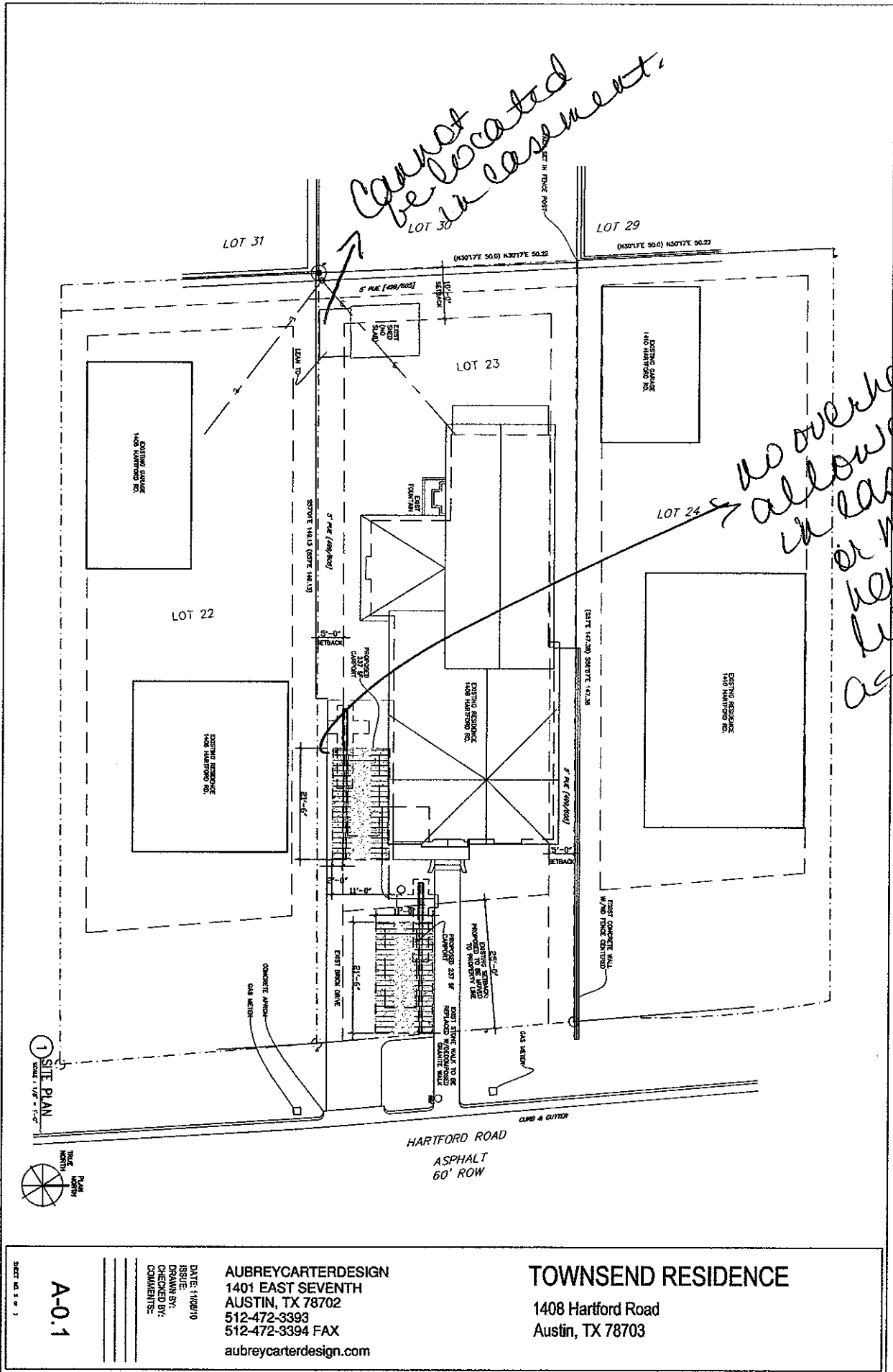
CASE#: C15-2010-0144  
 LOCATION: 1408 HARTFORD RD  
 GRID: H23  
 MANAGER: SUSAN WALKER



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.







## **Liz Salaiz**

---

**From:** "Esparza, Christine" <Christine.Esparza@austinenergy.com>  
**To:** "Liz Salaiz" <esarch@sbcglobal.net>  
**Cc:** "Nancy Townsend" <syd1@swbell.net>; "Aubrey Carter" <aubreycarter@sbcglobal.net>;  
"Ramirez, Diana" <diana.ramirez@ci.austin.tx.us>; "Walker, Susan"  
<susan.walker@ci.austin.tx.us>  
**Sent:** Monday, October 25, 2010 2:37 PM  
**Attach:** Scan001.pdf  
**Subject:** RE: Townsend Residence AE Review

Liz – Austin Energy approves your request for the detached carport within the front yard setback as requested on your drawing.

If you have any questions, please feel to contact me.

Thanks,

Christine Esparza  
Austin Energy  
322-6112

---

**From:** Liz Salaiz [mailto:esarch@sbcglobal.net]  
**Sent:** Friday, October 22, 2010 10:25 AM  
**To:** Esparza, Christine  
**Cc:** Nancy Townsend; Aubrey Carter  
**Subject:** Townsend Residence AE Review

Ms. Esparza,

Please find attached the completed Board of Adjustment application for a variance, as well as the site plan of the subject property and adjacent properties and the agent letter, for your review for Austin Energy.

Please contact me if you need any further information.

Thank you,

Liz Salaiz

Elizabeth Salaiz Architect Inc.  
1201 Newton  
Austin, TX 78704

ph: 512-448-3802  
fax: 512-448-3807  
email: [esarch@sbcglobal.net](mailto:esarch@sbcglobal.net)

11/8/2010

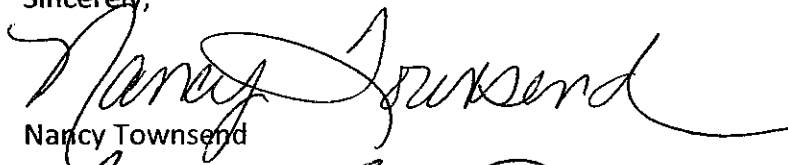
October 21, 2010

Susan Walker  
Board of Adjustment  
City of Austin  
505 Barton Springs Rd.  
Austin, Texas

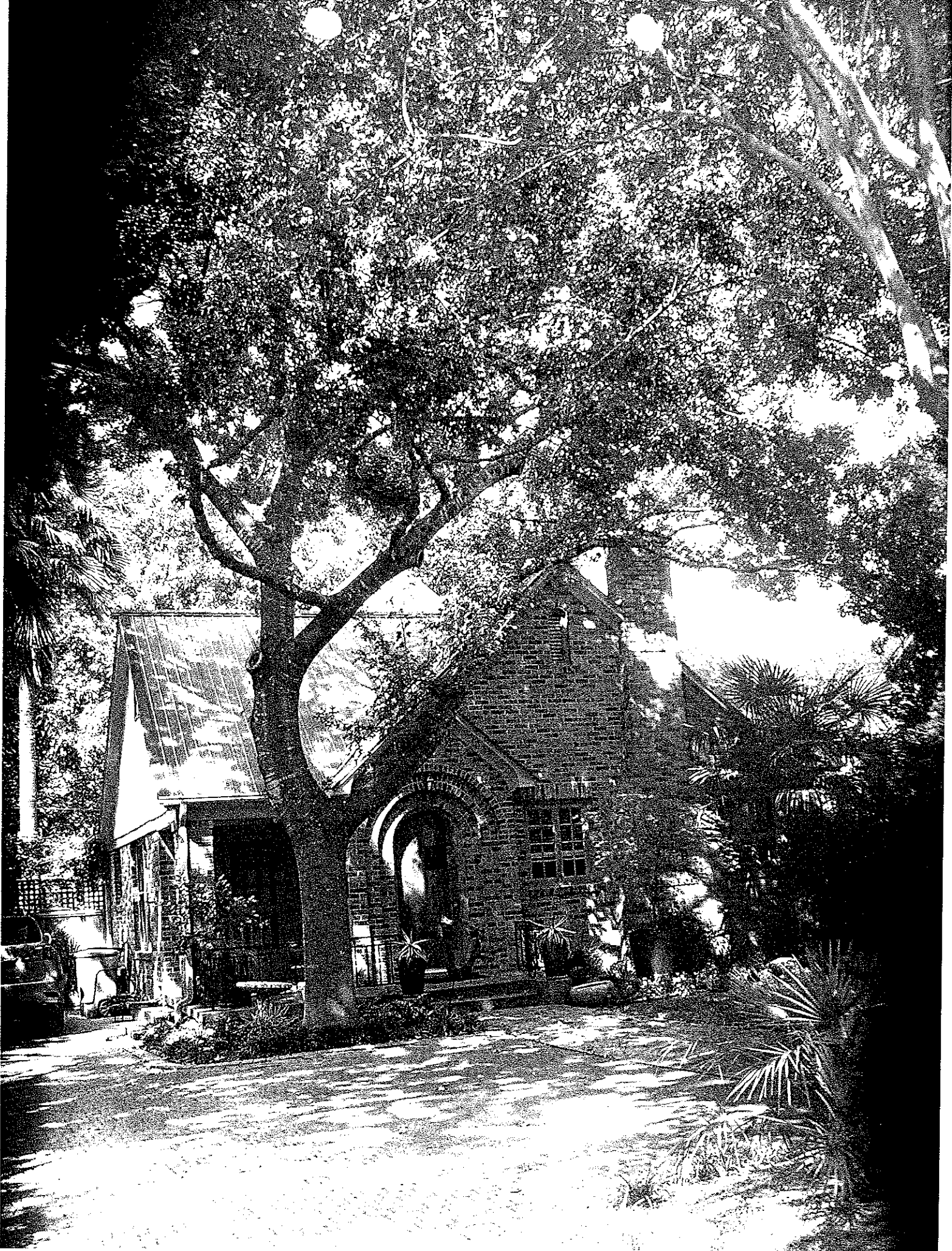
Dear Ms. Walker,

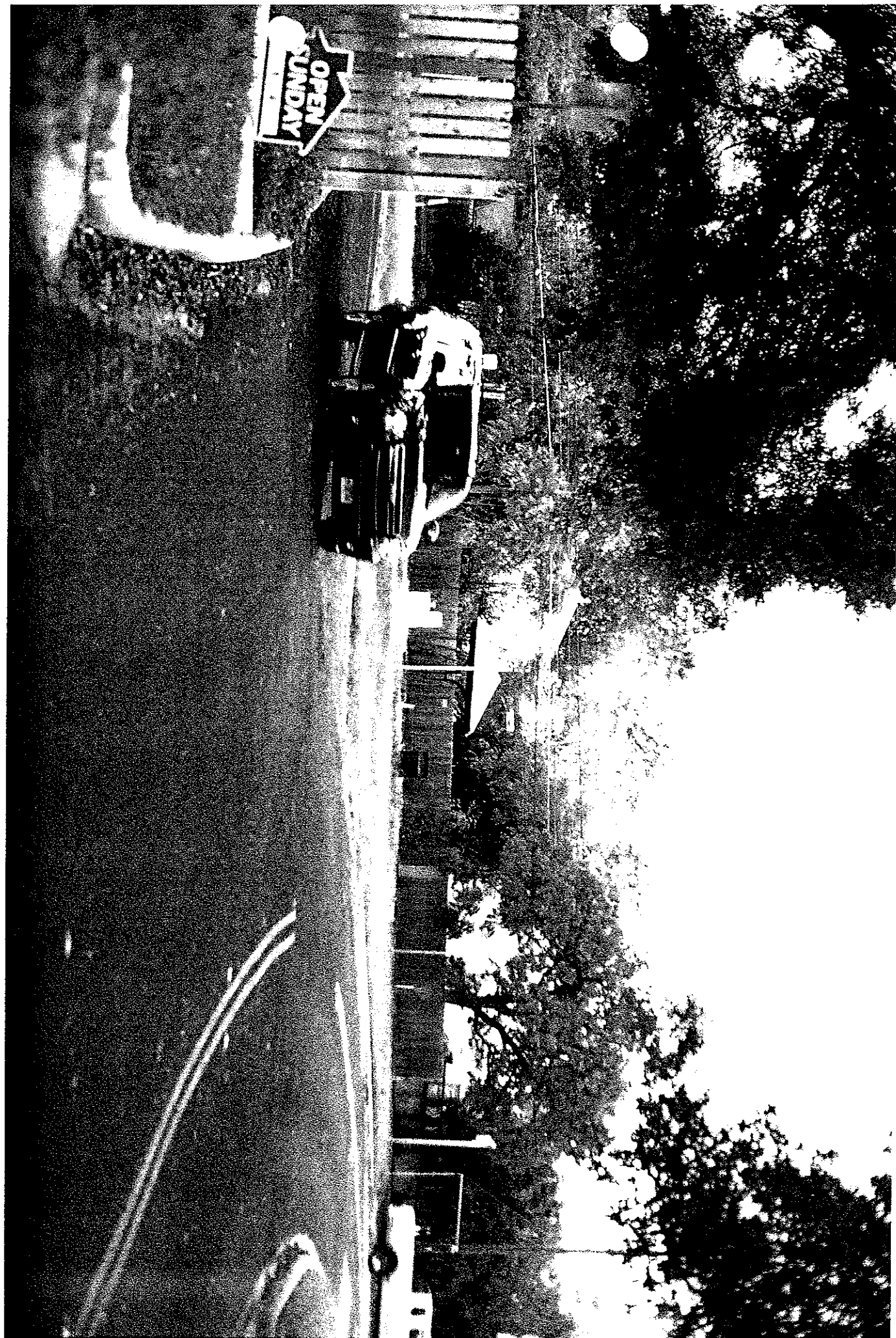
We, Nancy and Lambeth Townsend, as the owners of the property, authorize Aubrey Carter Design to act as our agent in the matter of applying to Board of Adjustment for a variance at 1408 Hartford Rd., Austin, Texas, 78703.

Sincerely,

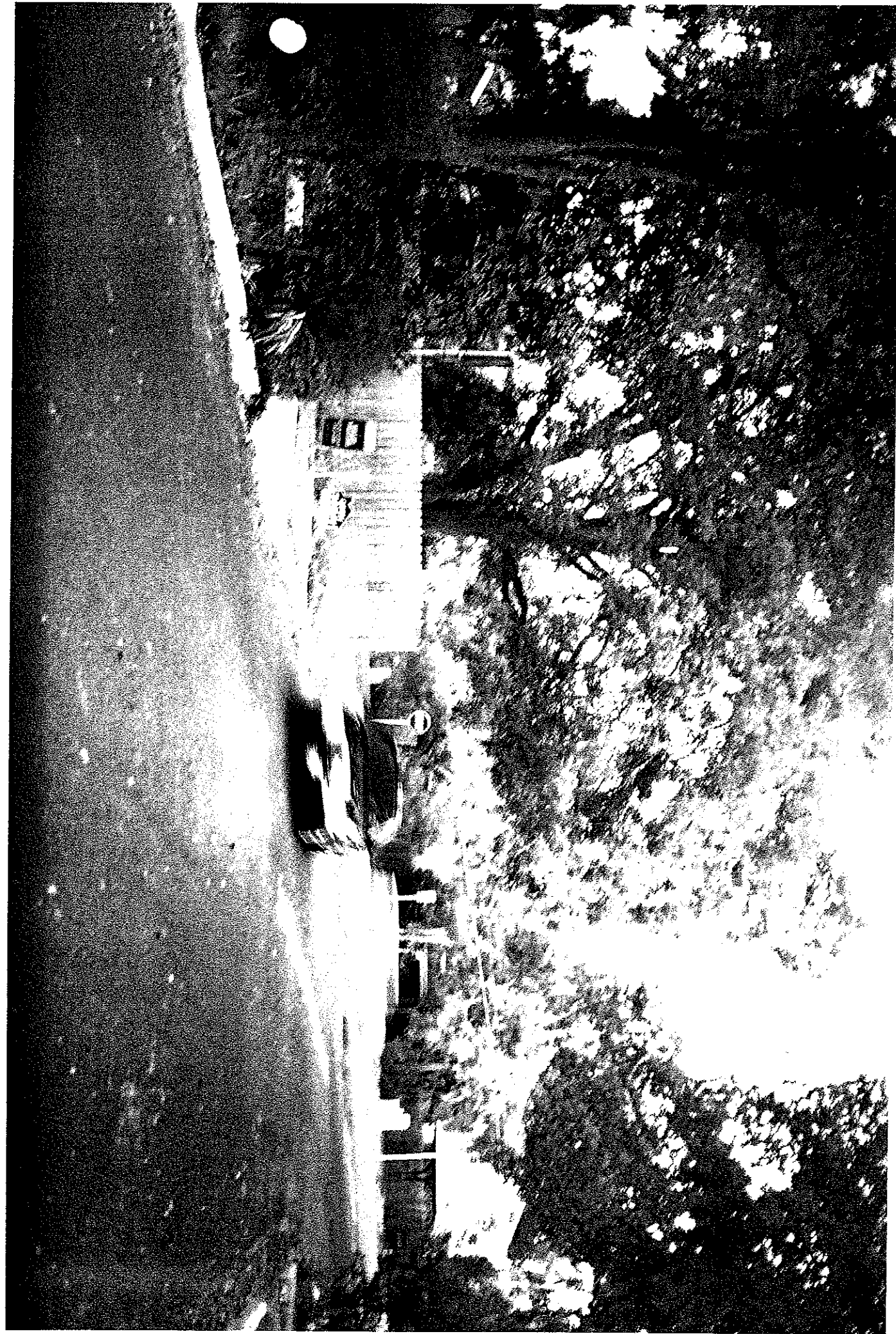
  
Nancy Townsend

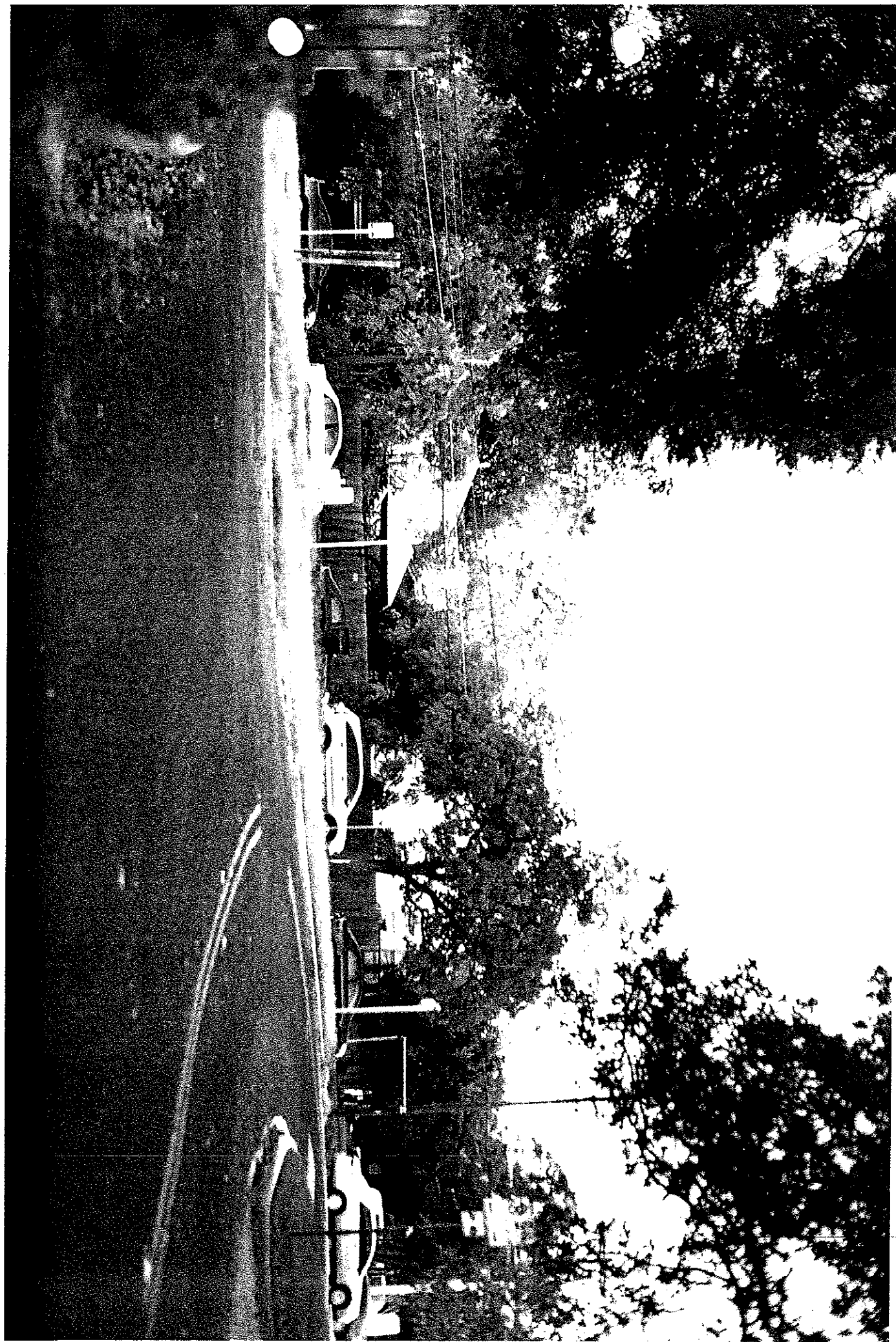
  
Lambeth Townsend













## City of Austin

*Austin's Community-Owned Electric Utility*

[www.austinenenergy.com](http://www.austinenenergy.com)

Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

October 25, 2010

Lambeth and Nancy Townsend  
1408 Hartford Road  
Austin, Texas 78703

Re: 1408 Hartford Road  
Lot 23 Endfield H

Dear Mr. and Mrs. Townsend,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to build a detached carport within the front yard setback. Austin Energy has no conflicts with this application as requested and shown on the attached red-stamped sketch.

Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6112.

Sincerely,

A handwritten signature in black ink, appearing to read "Christine Esparza". The signature is fluid and cursive, with the first name being more prominent.

Christine Esparza  
Public Involvement & Real Estate Services

Cc: Diana Ramirez and Susan Walker



**CITY OF AUSTIN**  
**RESIDENTIAL PERMIT APPLICATION "C"**

**BUILDING COVERAGE**

The area of a lot covered by buildings or roofed areas, but not including (i) incidental projecting eaves and similar features, or (ii) ground level paving, landscaping, or open recreational facilities.

	Existing		New / Addition	
a. 1 <sup>st</sup> floor conditioned area	1830	sq. ft.		sq. ft.
b. 2 <sup>nd</sup> floor conditioned area	674	sq. ft.		sq. ft.
c. 3 <sup>rd</sup> floor conditioned area		sq. ft.		sq. ft.
d. Basement		sq. ft.		sq. ft.
e. Garage / Carport		sq. ft.		sq. ft.
attached		sq. ft.		sq. ft.
detached		sq. ft.	2 @ 244	sq. ft.
f. Wood decks [must be counted at 100%]	106	sq. ft.		sq. ft.
g. Breezeways		sq. ft.		sq. ft.
h. Covered patios		sq. ft.		sq. ft.
i. Covered porches	47	sq. ft.		sq. ft.
j. Balconies		sq. ft.		sq. ft.
k. Swimming pool(s) [pool surface area(s)]		sq. ft.		sq. ft.
l. Other building or covered area(s)	188	sq. ft.		sq. ft.
Specify Shed				

**TOTAL BUILDING AREA (add a. through l.)**      2845      sq. ft.      488      sq. ft.

**TOTAL BUILDING COVERAGE ON LOT** (subtract, if applicable, b., c., d., k. and l. if uncovered)

2659      sq. ft.  
 2659/7527=35%      of lot

**IMPERVIOUS COVERAGE**

Include building cover and sidewalks, driveways, uncovered patios, decks, air conditioning equipment pad, and other improvements in calculating impervious cover. Roof overhangs which do not exceed two feet or which are used for solar screening are not included in building coverage or impervious coverage. All water must drain away from buildings on this site and buildings on adjacent lots.

a. Total building coverage on lot (see above)	2659	sq. ft.
b. Driveway area on private property	529	sq. ft.
c. Sidewalk / walkways on private property		sq. ft.
d. Uncovered patios	54	sq. ft.
e. Uncovered wood decks [may be counted at 50%]	53	sq. ft.
f. Air conditioner pads	18	sq. ft.
g. Concrete decks		sq. ft.
h. Other (specify) fountain	45	sq. ft.

**TOTAL IMPERVIOUS COVERAGE (add a. through h.)**

3358      sq. ft.  
 3358/7527 = 45%      of lot



A compass rose diagram with eight points. A vertical line points to the top, labeled 'TRUE NORTH'. A horizontal line points to the right, labeled 'PLAN NORTH'. The other points are unlabeled.

**अध्याय १३**

DATE: 11/08/10  
ISSUE:  
DRAWN BY:  
CHECKED BY:  
COMMENTS:.

**AUBREY CARTER DESIGN**  
1401 EAST SEVENTH  
AUSTIN, TX 78702  
512-472-3393  
512-472-3394 FAX  
[aubreycarterdesign.com](http://aubreycarterdesign.com)

1408 Hartford Road  
Austin, TX 78703

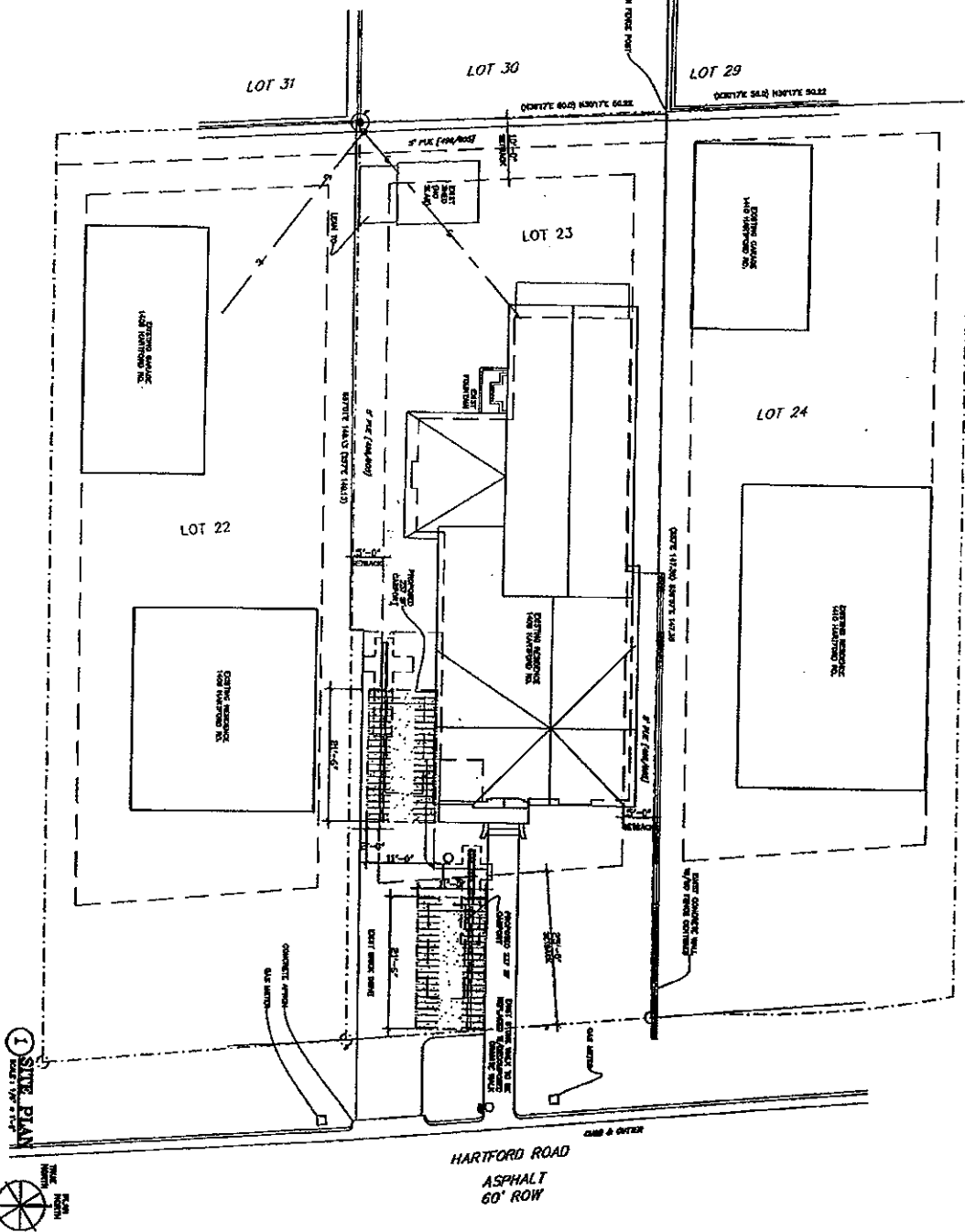
CE-2010-0144  
140B Hartford Rd

Austin Energy has reviewed this plan for 1408 Hartford Road and approved the same for the Board of Adjustment. Any changes to this plan must be approved by Austin Energy.

AUSTIN ENERGY

By: Cash

Date: 10/25/2010



A-0.1

DATE: 10/25/10  
DRAWN BY: [illegible]  
CHECKED BY: [illegible]  
COMMENTS:

AUBREY CARTER DESIGN  
1401 EAST SEVENTH  
AUSTIN, TX 78702  
512-472-3393  
512-472-3394 FAX  
aubreycarterdesign.com

TOWNSEND RESIDENCE

1408 Hartford Road  
Austin, TX 78703

## PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak **FOR** or **AGAINST** the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: [www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

**Case Number:** C15-2010-0144 – 1408 Hartford Road  
**Contact:** Susan Walker, 512-974-2202  
**Public Hearing:** Board of Adjustment, December 13th, 2010

Frederic Weigl  
 Your Name (please print)

☒ I am in favor  
☐ I object

1600 - 1600 1/2 Hartford Rd  
 Your address(es) affected by this application

Daytime Telephone: \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Comments: A carport built zero feet from the front property line is totally inconsistent with standard property usage.

**If you use this form to comment, it may be returned to:**

City of Austin-Planning & Development Review Department/ 1st Floor  
 Susan Walker  
 P. O. Box 1088  
 Austin, TX 78767-8810



W I L L I A M   P A R K E R

*Architects - Interior Designers*

8 December 2010

Ms. Susan Walker  
P.O. Box 1088  
Austin, TX 78767-8810

RE: C15-2010-0144 – 1408 Hartford Road

Dear Ms. Walker:

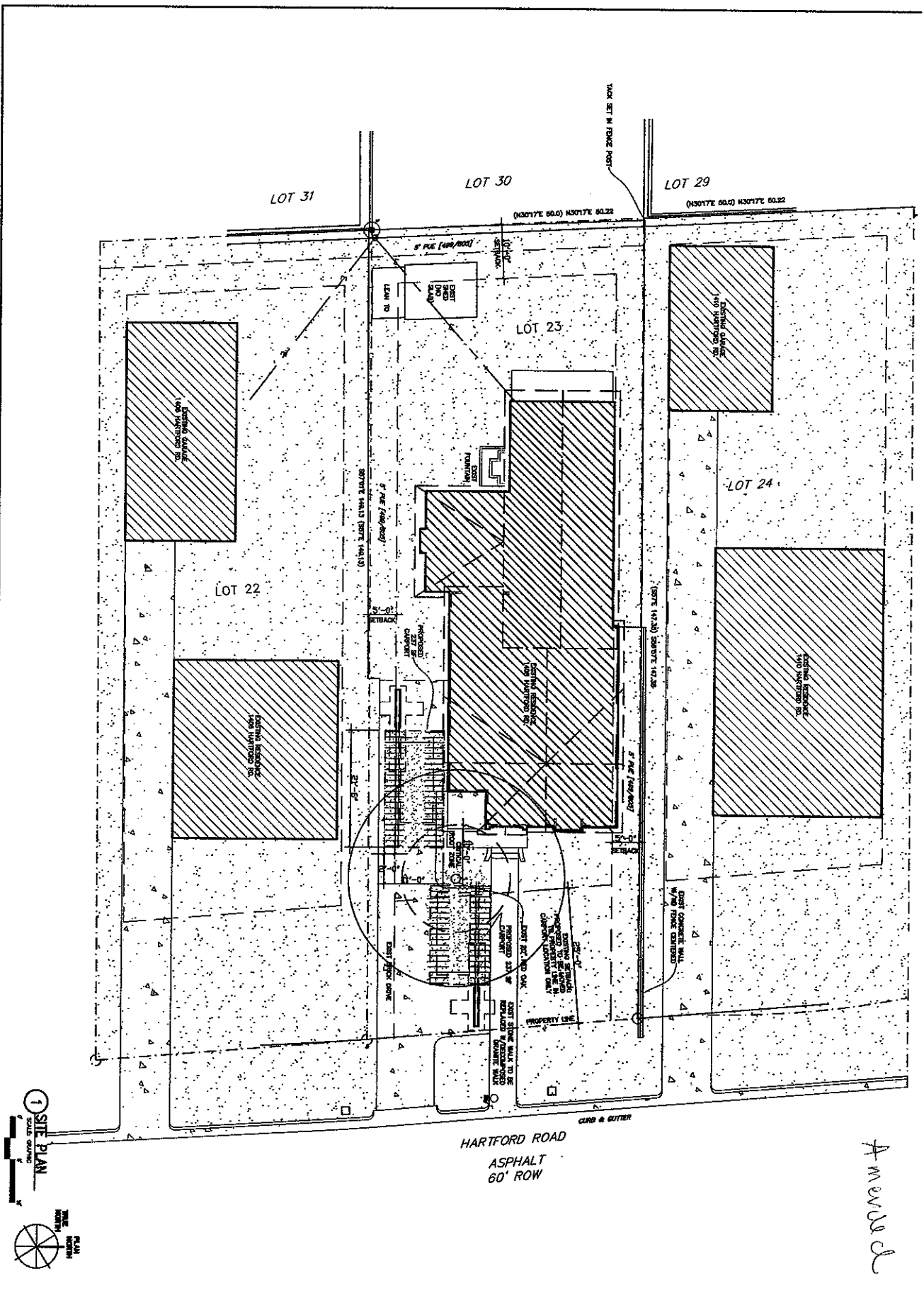
I am a neighbor of Lambeth and Nancy Townsend and have seen a rendering of the proposed carport. It looks fine to me. I have no problem with this variance.

Thank you,

William Parker



1408 Hartford Road  
Austin, TX 78703



*Amended*

A-0.1 SHEET NO. 1 OF 1	DATE: 12/02/10 ISSUE:	AUBREY CARTER DESIGN 1401 EAST SEVENTH AUSTIN, TX 78702 512-472-3393 512-472-3394 FAX aubreycarterdesign.com	TOWNSEND RESIDENCE 1408 Hartford Road Austin, TX 78703	171212100550
	DRAWN BY:			
	CHECKED BY:			
	COMMENTS:			



November 30, 2010

City of Austin Board of Adjustment  
Susan Walker, Planner  
Watershed Protection and  
Development Review Department  
P.O. Box 1088  
Austin, Texas 78767-1088

Re: Application for variance filed by Lambeth and Nancy Townsend, 1408  
Hartford Rd.

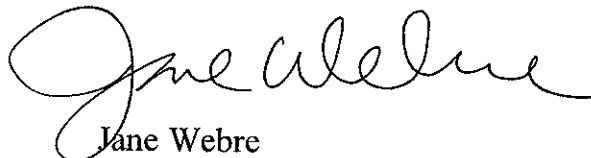
To the Board of Adjustment:

I am writing this letter in support of an application for variance filed by Lambeth and Nancy Townsend. They live at 1408 Hartford Road, and they are seeking a variance to build a carport at their home. Their application is set for hearing before the Board on December 13, 2010, at 5:30 p.m. I would have attended the hearing in person to voice my support, but I am scheduled to be out of town that day for my work.

My family and I live next door to the Townsends, at 1406 Hartford Rd. Their driveway, which is where the carport will be built, abuts our side property line. Nancy Townsend showed me the designs for the carport in advance and asked if we have any objection to it. I think the design is very attractive, and we have no objection to the Board granting the variance to allow the Townsends to build the carport.

We fully support the Townsends' application, and we urge the Board to grant the variance.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jane Webre".

Jane Webre

C15-2010-0144